

From: (b) (6)
To: (b) (6)
Subject: FW: CONFIDENTIAL: Letter of Warning (b) (6)
Date: (b) (6) 2014 11:49:17 AM
Attachments: (b) (6) [Poor Performance.doc](#)
[Management Guidance for Counseling Employees.doc](#)
Sensitivity: Confidential

1st attachment nonresponsive. 2nd attachment included below.

From: Parker, Michelle
Sent: (b) (6)
To: (b) (6)
Subject: RE: CONFIDENTIAL: Letter of Warning (b) (6)
Sensitivity: Confidential

Good morning, (b) (6)

I made the change to the letter. Attached is the final version. You will need to include the date on the letter. I have also attached a management guidance on counseling employees (verbal and written). Please contact me if you have any questions.

(b) (6)

Michelle

Michelle Parker

Labor & Employee Relations Officer | EPA Region 8
303.312.6139 | parker.michelle@epa.gov
303.565.0658

From: (b) (6)
Sent: (b) (6)
To: Parker, Michelle
Subject: RE: CONFIDENTIAL: Letter of Warning (b) (6)
Sensitivity: Confidential

Hi Michelle,

I made one edit—see attached.

(b) (6)

(b) (6)

From: Parker, Michelle

Sent: (b) (6)

To (b) (6)

Subject: CONFIDENTIAL: Letter of Warning (b) (6)

Sensitivity: Confidential

Hi (b) (6)

Attached is a draft of the letter of warning for your review. Please contact me if changes/corrections are needed, or if you have any questions.

Thanks, Michelle

Michelle Parker

Labor & Employee Relations Officer | EPA Region 8

303.312.6139 | parker.michelle@epa.gov

303.565.0658

From: (b) (6)

Sent: (b) (6)

To: Parker, Michelle

Subject: (b) (6) Issues

Hi Michelle,

Attached is a list of recent issues with (b) (6)

(b) (6)

(b) (6)

Management Guidance for Counseling Employees

Verbal Counseling

The following is provided to assist you in verbally counseling an employee for misconduct. In a private meeting with the employee, please inform the employee of their specific incident(s) of misconduct; provide the employee an opportunity to explain his/her side of the matter; review the rules/regulations the employee violated; explain to the employee the warning for future misconduct; and inform the employee of the availability of the EAP program. Following the counseling, document the conversation; have the employee sign a copy of the document; provide him/her with a signed copy and provide a signed copy to Michelle Parker, Labor and Employee Relations Officer. If you have any questions or need additional guidance, please contact Michelle at 303-312-6139.

Step 1: Discuss the specifics of the employee's misconduct:

Explain with specificity what the employee did that was inappropriate. You can show the employee any documents you have, such as an email providing the employee with an instruction, etc. You should provide the employee with enough specific information so he/she understands the misconduct and can provide an explanation, if he/she desires (see step 2).

Example: *On April 16, 2010, you failed to submit an ABC report. On April 12, 2010, I instructed you to provide me with an ABC report by close of business on April 16, 2010. You stated that you understood my instructions.*

Example: *On July 9, 2010, you were involved in a confrontational conversation with a co-worker. You told the co-worker that he was worthless and stated in a loud voice, "You can go to hell!" Your conduct was disrespectful and disruptive to the work environment.*

Step 2: Provide the employee an opportunity to explain his/her side of the matter. *An employee is not required to provide an explanation, but must be given the option. Since this is a verbal counseling session, the employee should provide a verbal explanation, which can be followed up in writing.*

Step 3: Review the rule or regulation with the employee:

For some types of misconduct there are no specific rules or regulations. In these cases, you would just explain to the employee their responsibility to conduct themselves in an appropriate manner. If you need assistance in obtaining a copy of a specific rule or regulation; or if you need assistance in providing an

explanation of inappropriate conduct, please contact Michelle Parker at extension 6139.

Step 4: Warn the employee of the consequences of future misconduct: *It is important the employee is made aware that this type of misconduct and any type of misconduct will not be tolerated in the future.*

You are warned that future misconduct or your failure to adhere to agency and/or Government rules and regulations may result in corrective action, including disciplinary action.

Step 5: Inform the Employee of the Employee Assistance Program: *Inform the employee this is a **confidential voluntary** program offered to all employees for all types of issues they may be facing.*

The EPA has an Employee Assistance Program (EAP) which is available to all employees when they feel a personal issue exists which is adversely affecting their performance and/or conduct. The EAP assists employee with all types of issues, including financial, emotional, relationship, etc. The telephone number for EAP is 1-800-222-0364. You may contact Human Resources for further information about this program.

If you have any questions or concerns, please contact Michelle Parker at 303-312-6139.

Written Counseling

The following is provided to assist you in counseling an employee for misconduct through the issuance of a letter of warning.

Step 1: Meet with the Labor and Employee Relations Officer or Prepare the Letter of Warning:

If you need assistance in writing the letter of warning, contact Michelle Parker, Labor Relations Officer at 303-312-6139. Michelle will request an explanation of the misconduct and copies of any statements and/or evidence. Michelle will prepare the letter of warning for your review and signature.

If you do not need assistance in writing the letter of warning, the following is a description of what must be contained in the letter: 1) A specific description of the misconduct, with sufficient detail so the employee is fully aware of the inappropriate behavior or actions (e.g., "On July 9, 2010, at approximately 10:00am, you were involved in a confrontational conversation with a co-worker. You told the co-worker that he was worthless and stated in a loud voice, 'You can go to hell!' Your conduct was disrespectful and disruptive to the work environment."); 2) an explanation of positive corrective steps the employee may

take to ensure the misconduct does not reoccur; 3) cite the rule and/or regulation that was violated; 4) a statement about the consequences the employee may face if the misconduct continues (e.g., *"You are warned that future misconduct or your failure to adhere to agency and/or Government rules and regulations may result in corrective action, including disciplinary action."*); and 5) a statement about EAP (e.g., *"The EPA has an Employee Assistance Program (EAP) which is available to all employees when they feel a personal problem exists which is adversely affecting their performance and/or conduct. The telephone number for EAP is 1-800-222-0364. The EAP is a confidential and cost free referral service. You may contact Human Resources for further information about this program."*) Please contact Michelle if you would like her to review your letter prior to issuing it to the employee.

Step 2: Issue the Letter of Warning to the Employee:

The letter of warning should be issued to the employee in a private meeting. Schedule a meeting with the employee in advance, letting him/her know the purpose of the meeting. If the employee is represented by the AFGE, their representative is entitled to be present. Contact Michelle Parker if you are unsure whether or not the employee is being represented by the AFGE. Print and sign two copies of the letter.

Ask the employee if he/she would like to read the letter. If not, provide a brief explanation of the misconduct or read the paragraph explaining the misconduct. Inform the employee that his/her rights are included in the letter. Have the employee sign both copies on the last page, indicating receipt of the letter. If the employee refuses to sign, you need to indicate that on both copies, along with your initials and the date. (*"Employee refused to sign. Copy provided on March 17, 2010. mp"*)

Provide one copy of the letter to the employee.

What if the employee wants a Union representative present during the meeting? (Not applicable for non-bargaining unit employees.)

If the employee is represented by the AFGE, their union representative is entitled to be present at the meeting. The employee is responsible for notifying their union representative of the meeting. You may need to reschedule the meeting; however, I would recommend not delaying the issuing of the letter of warning for more than one day. If the employee's union representative is not available after at least one attempt to reschedule the meeting, inform the employee that you will issue the letter and not discuss its contents or the misconduct that lead to the discipline. The employee can contact his/her union representative to discuss the letter. At the employee's option, you can schedule a subsequent meeting with the employee and his/her union representative to discuss the contents of the letter.

Step 3: Provide a copy of the signed letter of warning to the Labor and Employee Relations Officer:

If Michelle assisted you with the letter of warning and/or if you would like a copy of the letter maintained in Human Resources, it is **important** to provide Michelle with a signed copy (with original signatures).

In addition, it is **important** that you let Michelle know whether or not an AFGE representative was present at any of your meetings with the employee concerning the letter of warning.

If you have any questions or concerns, please contact Michelle Parker at 303-312-6139.

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